

SENATE REJECTS MOVE TO WEAKEN CONSULAR TREATY

Diplomatic Immunity Limit
Is Beaten, 53-26, as Soviet
Pact Survives First Test

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Special to The New York Times

WASHINGTON, March 9—The Senate, in its first decisive action on the United States consular treaty with the Soviet Union, overwhelmingly rejected today an amendment that would have weakened the pact's diplomatic immunity provisions.

The amendment, offered by Senator Herman E. Talmadge, Democrat of Georgia, was defeated by a 53-to-26 vote after Senator Mike Mansfield of Montana, the Senate majority leader, warned that approval of the amendment would kill the treaty.

The heavy vote against the amendment bolstered Administration hopes that the three-year-old consular convention, the first treaty between the two nations, would be approved without any weakening amendments by the Senate.

The treaty, signed in 1964 but not brought to the Senate floor for action until now because of conservative opposition, establishes the framework for the resumption of consular relations between the two countries.

Consulate Rules Set Up

In addition to providing new requirements for consular notification and access for protection of American travelers in the Soviet Union, the treaty establishes rules governing the operation of consulates.

Senator Talmadge's amendment was directed at one of the more controversial provisions in the treaty, a provision that grants unrestricted immunity from criminal prosecution to consular officers and employees.

His amendment would have limited the criminal immunity to consular officers, and then only for misdemeanors, or crimes involving a jail term of less than one year.

Noting that this was the first time such a criminal immunity provision had been included in a consular convention with the United States, Senator Talmadge protested that the immunity was "so broad that a janitor [in a Soviet consulate] could assassinate the President of the United States and all we could do is bid him farewell."

Mansfield Leads Debate

Senator Mansfield, unofficially assuming the floor management from Senator J. W. Fulbright, Democrat of Arkansas, chairman of the Foreign Relations Committee, led the debate against the Talmadge amendment.

Protesting against the injection of "last minute" amendments to a treaty that had been under consideration for nearly three years, Senator Mansfield said that "in effect, the amendment would kill the treaty."

A Senate amendment to a treaty requires the approval of the other signatory, and as Senator Mansfield observed, the Soviet Union, which originally proposed the criminal immunity provision, would probably be "unwilling" to accept the amendment.

Protection Sought

Even if the amendment was accepted by the Soviet Union, he continued, it would make it impossible to open consulates. He said he had been advised by the State Department that the United States had no intention of opening any consulates in the Soviet Union without the full protection of criminal immunity for consular officers and employees.

When Senator Talmadge protested that Soviet consulates were used as centers for espionage and subversion, Senator Mansfield, using an argument that the Administration has not cared to make openly, replied that it was "an unfortunate fact" that the United States as well as the Soviet Union had an interest in concealing intelligence agents in consular roles.

Furthermore, he said, the two nations have "a common interest" in preferring to have their intelligence agents expelled rather than imprisoned.

While encouraged by the defeat of the Talmadge amendment, the only one to be offered to the treaty, Administration supporters acknowledged that they faced a tougher political test in fending off "reservations" being proposed by treaty opponents.

Two reservations, a device used by the Senate to give the United States interpretation of a treaty, have been offered by Senator Karl E. Mundt, Republican of South Dakota.

One would provide that United States consular officials in the Soviet Union have the "same right to free expression" as a Soviet consul would have in the United States and stipulate that there is no limit on the number of American newsmen in the Soviet Union.

Vietnam Linked

The other provides that the treaty would not go into effect until the President advised Congress there was no longer a need for United States forces in Vietnam or assured Congress that Soviet arms shipments to North Vietnam were not "delaying or preventing a return of United States troops" from Vietnam.

Senator Mansfield, talking with reporters, conceded that the Mundt reservations, by introducing the Vietnam issue into what the Administration hoped would be strictly an East-West "bridge-building" effort, would be difficult for some Senators to oppose.

"Let's face it," he said. "Some of these are kind of tough to vote against. It would be difficult to explain to the folks why you voted against them."

But, he said, the Senate must face up to the issue that if the consular treaty was linked to the war in Vietnam, "Moscow might say 'let's drop it,' and that would be the end" of the treaty.

With several treaty supporters out of town, the Senate leadership put off a vote on the Mundt reservations until next Tuesday at the earliest to assure that it would have maximum support for what could turn into a close vote.

Senator Margaret Chase Smith, Republican of Maine, who is reported by her Senate colleagues to be annoyed that the White House did not invite her to a recent Vietnam briefing for Congressional leaders, introduced a new political complication by offering a Senate "understanding" to the treaty.

The Understanding

In the understanding, the Senate would express "its hope" that before the United States consented to the opening of any Soviet consulates in this country, "an honorable conclusion will be achieved in the Vietnam conflict whereby United States military forces will no longer be needed to perform combat duties in the defense of South Vietnam."

Senator Smith said she was offering the "understanding" because she was "deeply concerned" about entering into a treaty with a nation that is "providing the real backbone of material and equipment for the aggressor North Vietnamese and Vietcong forces that are killing American servicemen in Vietnam."

In the opinion of treaty supporters, the understanding will probably be more difficult to defeat than the Mundt reservations. Since the understanding does not tie the hands of the executive branch, the Administration cannot argue that it would violate the treaty.

The state department, however, was passing the word to the treaty supporters that it was opposed to the understanding because it might lead to the rejection of the treaty by the Soviet Union.